

1 Stephen M. Doniger (SBN 179314)  
2 stephen@donigerlawfirm.com  
3 Scott A. Burroughs (SBN 235718)  
4 scott@donigerlawfirm.com  
5 Howard S. Han (SBN 243406)  
6 hhan@donigerlawfirm.com  
7 DONIGER / BURROUGHS  
8 603 Rose Avenue  
9 Venice California 90291  
10 Telephone: (310) 590-1820

11 Attorneys for Plaintiff

12 **UNITED STATES DISTRICT COURT**  
13 **CENTRAL DISTRICT OF CALIFORNIA**

14 STAR FABRICS, INC., a California  
15 Corporation,

16 Plaintiff,

17 v.

18 BIZZ, INC., a California Corporation;  
19 LULU'S FASHION LOUNGE, INC., a  
20 California Corporation; C'EST LA VIE, a  
21 business entity of form unknown; SWEET  
22 PEOPLE APPAREL, INC., a California  
23 Corporation; and DOES 1 through 10,

24 Defendants.

Case No.:

PLAINTIFF'S COMPLAINT FOR  
COPYRIGHT INFRINGEMENT

Jury Trial Demanded

25 Star Fabrics, Inc., by and through its undersigned attorneys, hereby prays to  
26 this honorable Court for relief based on the following:

27 **JURISDICTION AND VENUE**

28 1. This action arises under the Copyright Act of 1976, Title 17 U.S.C., § 101  
*et seq.*



1 names, whether corporate, individual or otherwise, of Defendants 1 through 10,  
2 inclusive, are presently unknown to Plaintiff, which therefore sues said Defendants  
3 by such fictitious names, and will seek leave to amend this Complaint to show their  
4 true names and capacities when same have been ascertained.

5 10. Plaintiff is informed and believes and thereon alleges that at all times  
6 relevant hereto each of the Defendants was the agent, affiliate, officer, director,  
7 manager, principal, alter-ego, and/or employee of the remaining Defendants and was  
8 at all times acting within the scope of such agency, affiliation, alter-ego relationship  
9 and/or employment; and actively participated in or subsequently ratified and/or  
10 adopted each of the acts or conduct alleged, with full knowledge of all the facts and  
11 circumstances, including, but not limited to, full knowledge of each violation of  
12 Plaintiff's rights and the damages to Plaintiff proximately caused thereby.

13 **CLAIMS RELATED TO DESIGN NO. 65102**

14 11. Plaintiff owns an original two-dimensional artwork used for purposes of  
15 textile printing entitled 65102 ("Subject Design") which has been registered with the  
16 United States Copyright Office.

17 12. Prior to the acts complained of herein, Plaintiff widely disseminated fabric  
18 bearing Subject Design to numerous parties in the fashion and apparel industries.

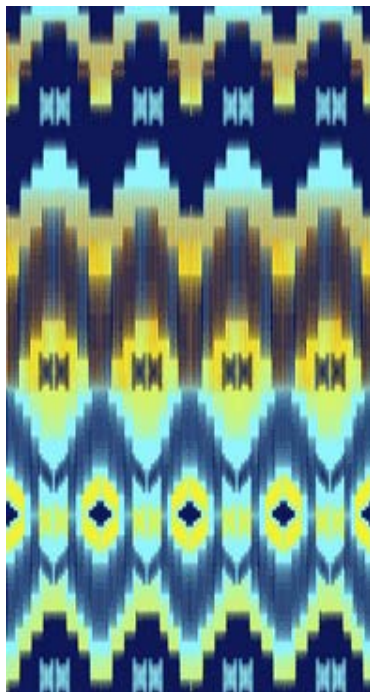
19 13. Plaintiff is informed and believes and thereon alleges that following its  
20 distribution of Subject Design, LA VIE, SWEET PEOPLE, BIZZ, LULU'S, DOE  
21 Defendants, and each of them distributed and/or sold fabric and/or garments  
22 featuring a design which is substantially similar to Subject Design (hereinafter  
23 "Subject Product") without Plaintiff's authorization, including but not limited to  
24 products sold by

- 25 a. LA VIE under SKU 45900 and bearing the label "Miss Me" and RN  
26 112568, indicating that it was manufactured by or for SWEET  
27 PEOPLE.

b. LULU'S under Item Description "Sunset on the Mesa Southwest Print Maxi Dress," Style No. DJ16875G and bearing the label "ark & co." and RN 113395, indicating that it was manufactured by or for BIZZ.

14. Representative portions of Subject Design and Subject Product are set forth hereinbelow:

**Subject Design**



**Subject Product**



**FIRST CLAIM FOR RELIEF**

(For Copyright Infringement - Against All Defendants, and Each)

15. Plaintiff repeats, realleges and incorporates herein by reference as though fully set forth the allegations contained in the preceding paragraphs of this Complaint.

16. Plaintiff is informed and believes and thereon alleges that Defendants, and each of them, had access to the Subject Design, including, without limitation, through (a) access to Plaintiff's showroom and/or design library; (b) access to

1 illegally distributed copies of Subject Designs by third-party vendors and/or DOE  
2 Defendants, including without limitation international and/or overseas converters  
3 and printing mills; (c) access to Plaintiff's strike-offs and samples, and (d) access to  
4 garments in the marketplace manufactured with lawfully printed fabric bearing  
5 Subject Design.

6 17. Plaintiff is informed and believes and thereon alleges that one or more of  
7 the Defendants manufactures garments and/or is a garment vendor. Plaintiff is  
8 further informed and believes and thereon alleges that said Defendant(s), and each of  
9 them, has an ongoing business relationship with Defendant retailers, and each of  
10 them, and supplied garments to said retailers, which garments infringed Subject  
11 Designs in that said garments were composed of fabric which featured unauthorized  
12 print designs that were identical or substantially similar to Subject Designs, or were  
13 an illegal modification thereof.

14 18. Plaintiff is informed and believes and thereon alleges that Defendants, and  
15 each of them, infringed Plaintiff's copyright by creating, making and/or developing  
16 directly infringing and/or derivative works from Subject Designs and by producing,  
17 distributing and/or selling Subject Products through a nationwide network of retail  
18 stores, catalogues, and through on-line websites.

19 19. Due to Defendants', and each of their, acts of infringement, Plaintiff has  
20 suffered damages in an amount to be established at trial.

21 20. Due to Defendants', and each of their, acts of copyright infringement as  
22 alleged herein, Defendants, and each of them, have obtained profits they would not  
23 otherwise have realized but for their infringement of Subject Designs. As such,  
24 Plaintiff is entitled to disgorgement of Defendants', and each of their, profits  
25 attributable to the infringement of Subject Designs in an amount to be established at  
26 trial.

1           21. Plaintiff is informed and believes and thereon alleges that Defendants, and  
2 each of them, have committed copyright infringement with actual or constructive  
3 knowledge of Plaintiff's rights such that said acts of copyright infringement were,  
4 and continue to be, willful, intentional and malicious.

5                                   **PRAYER FOR RELIEF**

6           Wherefore, Plaintiff prays for judgment as follows:

- 7           a. That Defendants—each of them—and their respective agents and  
8           servants be enjoined from importing, manufacturing, distributing,  
9           offering for sale, selling or otherwise trafficking in any product that  
10          infringes Plaintiff's copyrights in Subject Designs;  
11          b. That Plaintiff be awarded all profits of Defendants, and each of them,  
12          plus all losses of Plaintiff, the exact sum to be proven at the time of trial,  
13          or, if elected before final judgment, statutory damages as available under  
14          the Copyright Act, 17 U.S.C. § 101 et seq.;  
15          c. That Plaintiff be awarded its attorneys' fees as available under the  
16          Copyright Act U.S.C. § 101 et seq.;  
17          d. That Plaintiff be awarded pre-judgment interest as allowed by law;  
18          e. That Plaintiff be awarded the costs of this action; and  
19          f. That Plaintiff be awarded such further legal and equitable relief as the  
20          Court deems proper.

21          Plaintiff demands a jury trial on all issues so triable pursuant to Fed. R. Civ. P.  
22 38 and the 7<sup>th</sup> Amendment to the United States Constitution.

23          Dated: May 2, 2016

DONIGER/BURROUGHS

24  
25                                   By: /s/ Stephen M. Doniger  
26                                   Stephen M. Doniger, Esq.  
27                                   Howard S. Han, Esq.  
28                                   Attorneys for Plaintiff

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